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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/597,069	06/20/2000	Christopher Scott Thorman	15301-US	6207

7590 06/15/2004

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EXAMINER

TORRES, ALICIA M

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/597,069

Applicant(s)

THORMAN ET AL.

Examiner

Alicia M Torres

Art Unit

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MW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 74-83 is/are allowed.
- 6) ☒ Claim(s) 21,32-38,40-42,52,55-58,60-62 and 72 is/are rejected.
- 7) ☒ Claim(s) 39,43-51,53,59,63-71 and 73 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Wittwer.

Wittwer discloses a mower cutting deck (10), comprising:

- a) at least one cutting chamber (11) having an aperture positioned in the middle of a top surface thereof and a depending surrounding skirt;
- b) a spindle (unnumbered) placed through the aperture and mounted to the chamber (11);
- c) a blade (12) mounted on an end of the spindle and within the chamber (11); and
- d) a liquid dispersion assembly (20) mounted to an underside of the chamber (11) and including first (80) and second plates (100) engaged with each other, the second plate (100) having a channel (380) to control the flow of liquid therethrough so as to project such flow above the blade (12).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 32-38, 40-42 and 52, 55-58, 60-62, 72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Burch in view of Jameson.

5. In regards to claims 32-38, 40-42, and 52, Burch discloses a washing device for an underside of a mower cutting deck, the device comprising:

d) a means for transferring liquid, the means having a flexible elongated portion (113) having a first end attached to and communicating with the fitting (not shown) to conduct liquid therethrough and a second end including a mounting plate (119) adjustably connected with the elongated portion (113), the mounting plate (119) having a plurality of holes (116, 138), one of which is a liquid flow hole accommodating liquid therethrough, as per claim 32; and

wherein the elongated portion (113) is mated to the mounting plate (119) by a second coupler (82), as per claim 34; and

further comprising a pair of liquid dispersion plates (120, 140), the pair having connection holes (138, center hole) therein enabling attachment of each of the pair to the other and to the mounting plate (119), the pair also having mounting holes (unnumbered) enabling attachment to the underside, as per claim 35; and

wherein the connection holes and the holes (138, center hole) of the mounting plates (116, 138) are aligned, as per claim 36; and

wherein the dispersion plates (120, 140) and the mounting plate (119) are attached to each other by a bolt and a nut (unnumbered, see figure 10), as per claim 37; and

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wherein each of the dispersion plates (120, 140) has a central opening communicating together with the flow hole (116) of the mounting plate (119) to conduct liquid therethrough, as per claim 38; and

further comprising a liquid dispersion assembly (110) attached to the mounting plate (119), as per claim 40; and

wherein the assembly (110) includes first (120) and second (140) directional members attached to each other and which are attachable to the underside of the cutting deck (10), each of the members having a central opening communicating with the flow hole of the mounting plate (119) to conduct liquid therethrough, as per claim 41; and

wherein the first directional member (120) is positioned intermediate the mounting plate (119) and second directional member (140), as per claim 42; and

wherein the attachment of the first (120) and second (140) directional member provide an orifice through which liquid may be emitted, as per claim 52.

However, Burch fails to disclose:

a) a bracket for attaching the device to the deck, the bracket having a plurality of holes therein;

b) a means for attaching the bracket with the deck and which extends through one of the holes of the first bracket;

c) a hose fitting inserted in another of the holes of the bracket, as per claim 32; and

wherein the means for transferring liquid is mated to the fitting by a first coupler, as per claim 33.

Jameson discloses a similar dispersion assembly including:

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a) a bracket (40) for attaching the device to the deck (15), the bracket (40) having a plurality of holes (46, 70) therein;

b) a means (45) for attaching the bracket (40) with the deck (15) and which extends through one of the holes (46) of the first bracket (40);

c) a hose fitting (26) inserted in another of the holes of the bracket (70), as per claim 32; and

wherein the means (10) for transferring liquid is mated to the fitting by a first coupler (71), as per claim 33.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the bracket of Jameson on the device of Burch in order to quickly and conveniently attach the device.

6. In regards to claims 55-58, Burch discloses a washing device for an underside of a mower cutting deck, the device comprising:

d) a means for transferring liquid, the means having an elongated portion (113) having a first end attached to and communicating with the fitting (not shown) to conduct liquid therethrough and a second end including a mounting plate (119), the mounting plate (119) having a plurality of holes (116, 138), one of which is a liquid flow hole accommodating liquid therethrough; and

a pair of liquid dispersion plates (120, 140), the pair having connection holes (138) therein enabling attachment of each of the pair (120, 140) to the other and to the mounting plate

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(119), the pair also having mounting holes (138) enabling attachment of the pair (120, 140) to the underside, as per claim 55; and

wherein the connection holes (138) and the holes (138) of the mounting plate (119) are aligned, as per claim 56; and

wherein the dispersion plates (120, 140) and the mounting plate (119) are attached to each other by a bolt and a nut (unnumbered, see figure 10), as per claim 57; and

wherein each of the dispersion plates (120, 140) has a central opening communicating together with the flow hole (116) of the mounting plate (119) to conduct liquid therethrough, as per claim 58.

However, Burch fails to disclose:

a) a bracket for attaching the device to the deck, the plate having a plurality of holes therein;

b) a means for attaching the bracket with the deck and which extends through one of the holes of the bracket;

c) a hose fitting inserted in another of the holes of the bracket.

Jameson discloses a similar dispersion assembly including:

a) a bracket (40) for attaching the device to the deck (15), the bracket (40) having a plurality of holes (46, 70) therein;

b) a means (45) for attaching the bracket (40) with the deck (15) and which extends through one of the holes (46) of the first bracket (40);

c) a hose fitting (26) inserted in another of the holes of the bracket (70).

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the bracket of Jameson on the device of Burch in order to quickly and conveniently attach the device.

7. In regards to claims 60-62 and 72, Burch discloses a washing device for an underside of a mower cutting deck, the device comprising:

d) a means for transferring liquid, the means having an elongated portion (113) having first end attached to and communicating with the fitting (not shown) to conduct liquid therethrough and a second end including a mounting plate (119), the mounting plate (119) having a plurality of holes (116, 138), one of which is a liquid flow hole (116) accommodating liquid therethrough; and

a liquid dispersion assembly (110) attached to the mounting plate (119), as per claim 60; and

wherein the assembly includes first (120) and second (140) direction members attached to each other and which are attachable to the underside of the cutting deck (10), each of the members having a central opening communicating with the flow hole (116) of the mounting plate (119) to conduct liquid therethrough, as per claim 61; and

wherein the first directional member (120) is positioned intermediate the mounting plate (119) and second directional member (140), as per claim 62.

However, Burch fails to disclose:

a) a bracket for attaching the device to the deck, the plate having a plurality of holes therein;

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b) a means for attaching the bracket with the deck and which extends through one of the holes of the bracket;

c) a hose fitting inserted in another of the holes of the bracket.

Jameson discloses a similar dispersion assembly including:

a) a bracket (40) for attaching the device to the deck (15), the bracket (40) having a plurality of holes (46, 70) therein;

b) a means (45) for attaching the bracket (40) with the deck (15) and which extends through one of the holes (46) of the first bracket (40);

c) a hose fitting (26) inserted in another of the holes of the bracket (70).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the bracket of Jameson on the device of Burch in order to quickly and conveniently attach the device.

Response to Arguments

8. Applicant's arguments with respect to claim 21 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

9. Claims 74-83 are allowed.

10. Claims 39, 43-51, 53, 59, 63-71 and 73 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

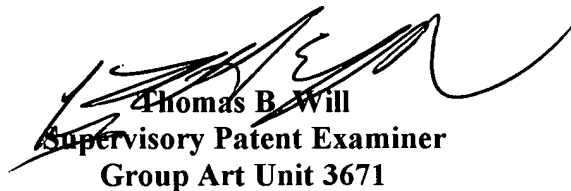
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Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M. Torres whose telephone number is 703-305-6953. The examiner can normally be reached Monday through Thursday from 7:00 a.m. – 4:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at 703-308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 703-305-1113. The fax number for this Group is 703-872-9306.


Thomas B. Will
Supervisory Patent Examiner
Group Art Unit 3671

AMT
June 10, 2004